REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS
Friday, August 23, 2013 at 10:00 a.m. EST
Conference Call Meeting
Conference: 888.670.352 Conference Code: 6493057517 then #

Meeting Minutes

I. CALL TO ORDER
The meeting was called to order at 10:00 a.m. by Dan Biggins, Executive Director.

II. ROLL CALL
Patricia Rogers, Chair
Kelly Moran, Vice Chair
David Beswick
Dawn Warren
Terence Brennan

Mr. Biggins confirmed that four members constitute a quorum.

Staff:
Tim Vaccaro, Deputy Secretary
Daniel Biggins, Executive Director
Donald Shaw, Government Analyst
Ruthanne Christie, Government Analyst
Kathleen Brown-Blake, DBPR Rules Attorney
John MacIver – DBPR Attorney
C. Erica White – Prosecuting Attorney
Radhika Puri – Prosecuting Attorney
Judy Sineath – Administrative Assistant
Robert Milne – Assistant Attorney General

III. APPROVAL
1. May 31, 2013 meeting minutes
Motion: Kelly Moran made a motion to waive the reading of the minutes and to
approve the May 31, 2013 meeting minutes.
Second: Dawn Warren seconds the motion. Motion passes unanimously.

IV. CHAIR REPORT – Patricia Rogers
Patricia Rogers, Chair, welcomed everyone. Ms. Rogers noted that the Governor sent all
Council members a copy of his update for the year 2012-2013, and projections for 2014,
and that specifically, the Governor is continuing to keep a focus on promoting business, and that the Council needs to keep that in mind when moving forward with Rule promulgation. Ms. Rogers also asked the Council to make sure they read the recently passed legislation.

V. COUNSEL REPORT –Robert Milne

Mr. Milne stated that proposed language has been provided which will implement the recently passed legislation in which CAM’s can be disciplined for violations of Ch. 718, 719, and 720, Florida Statutes. Ms. Rogers commended Mr. Milne and Ms. White in the presentation of the proposed changes. Mr. Brennan also praised the way the changes were presented.

1. Rule 61E14-2, F.A.C.; Standards of Professional Conduct

Ms. Brown-Blake advised the Council that in order for the proposed language to be adopted, the Council would need to vote to withdraw the rule language, and a new motion would need to be made to open rule development, allow any comments or questions on the new language, and then a motion would need to be made to approve the language.

Motion: Mr. Brennan made a motion to withdraw the previous rule.

Second: Ms. Moran seconded the motion. Motion passes unanimously.

Ms. Brown-Blake then stated this would be the time to make a motion to notice rule development for 61E14-2

Motion: Terrence Brennan made a motion to notice rule development for 61E14-2

Second: Kelly Moran seconds the motion. Motion passes unanimously.

Ms. Brown-Blake then stated that the Council must then make a motion to approve the new rule language for 61E14-2.

Motion: Ms. Moran made a motion to approve the new rule language for 61E14-2.

Second: Terence Brennan seconds the motion.

Ms. Rogers asked the Council and the public if they had any suggested changes to the new proposed language. With none being offered, Ms. Rogers called the question. Motion passes unanimously.

Ms. Brown-Blake stated that her analysis of the new proposed rule would not financially impact small business, and requested the Council vote that a SERC would not be required for the rule.
Motion: Terrence Brennan made a motion that a SERC is not required.

Second: Ms. Moran seconded the motion. Motion passes unanimously.

Ms. Brown-Blake then requested that the Council vote to publish a Notice of Proposed Rule.

Motion: Kelly Moran made a motion to publish a Notice of Proposed Rule.

Second: Terrence Brennan seconded the motion. Motion passes unanimously.

VI. DEPARTMENT RULE REPORT – Kathleen Brown-Blake

Ms. Brown-Blake indicated that the Departmental Rule regarding mediation and citation has been filed with the Department of State, and that the Board Rule for the mediation has also been filed with the Department of State, and should be effective in about a week. Ms. Brown-Blake stated she plans to go through the Departmental Rules (61-20) and through the Board rules (61E14) to determine if any updates need to be made to the Rules.

VII. PROSECUTING ATTORNEY REPORT – C. Erica White

C. Erica White introduced Radhika Puri as the new Prosecuting Attorney for the Regulatory Council of Community Association Manager.

Ms. Puri read the Prosecuting Attorney’s report into the record.

Mr. Brennan requested a clarification on the difference between public and private complaints. Ms. White clarified that private cases are cases against CAM Firms in which probable cause had not been found. Every other type of case against a CAM or a CAM Firm are public.

VIII. EXECUTIVE DIRECTOR - Daniel Biggins

1. Division of Regulation Quarterly Complaint Report

Council Members reviewed the report.

2. Introduction of Donald Shaw as the new Government Analyst for the Council.


Ms. Rogers asked whether or not the financials were not provided because of the timing of the meeting. Mr. Biggins confirmed that the reason the financials had not been
provided is because the fiscal year had recently ended and the reports were not ready at
the time of the meeting.

IX. COUNCIL DISCUSSION TOPICS

1. Unlicensed Practice of Law relating to CAMs.

Ms. Rogers asked Mr. Biggins if he had any updates on the recently published report
from the Florida Bar, and Mr. Biggins indicated that the Department’s website has been
updated to reflect the recently released opinion of the Florida Bar. Ms. White further
stated that the Unlicensed Practice Committee of the Florida Bar is on the website, and
that basically the Committee clarified the 1996 Supreme Court opinion regarding the
unlicensed practice of law, and which activities constitute the unlicensed practice of law.
Ms. White indicated that it doesn’t really affect how the Department prosecutes or
disciplines CAMs, and mainly provides direction to licensees regarding what activity
they should be aware of. Ms. Moran requested clarification on whether or not the
advisory opinion on the Florida Bar’s website is the same as the Supreme Court opinion.
Ms. White confirmed this; that the opinion on the Bar’s website is from the Unlicensed
Practice of Law Committee of the Florida Bar. If the Supreme Court is going to make
any additional comment, that would be published separately. Ms. Moran asked if a date
was known on when the Supreme Court was going to respond. Ms. White stated she did
not see any action taken by the Supreme Court.

X. Future Meeting Dates

November 8th, 2013 (Jacksonville)
February 7th, 2014 (Conference Call)
May 9th, 2013 (Conference Call)

Mr. Biggins reminded the Council that emails would be sent to the Council members to
ensure that reservations are made by the October 8th deadline.

XI. Profession Issues

1. CAM Firm Renewal; September 30, 2013

Ms. Rogers asked if notices for CAM Firm Renewals were being sent out. Mr. Biggins
stated that the notices should have already gone out, and that a recent report shows that
about half of the licensed CAM Firms have renewed. Ms. Moran asked if there was a
penalty for failing to renew by the deadline. Mr. Biggins stated that there is a late fee,
and the license would go delinquent for two years, at which point it would go to null &
void. Mr. Biggins stated that continuing to operate on a delinquent license would be
grounds for discipline, and after the two year delinquent period, the license would go null
& void. Ms. Moran stated she’s not sure if she’s comfortable with that, and asked if there
is a process that the Council or the Department can implement to “tighten that up”. Mr.
Biggins stated that this is a provision of Chapter 455, Florida Statutes, and apply to all
professions regulated by the Department. Ms. Moran asked if this proposed change
would need to be included in the Department’s 2014 legislative bill. Mr. Vaccaro stated
that language is in Chapter 455, and applies to all professions, and he does not foresee a
change being made to Chapter 455.

2. HOA Reporting Requirement; Website up October 1st.

Ms. Rogers indicated that all CAMs are required to report information on the
Associations they manage. Ms. Rogers asked if the education for an individual who sits
on an Association Board is retroactive, and whether or not that individual needs to take
the educational course again if they are re-elected. Ms. Rogers requested the staff to look
into the issue, and possibly provide this information on the website. Mr. Biggins stated
he would look into it.

3. Disciplinary Orders on website (changes to CAM Council webpage)

Mr. Biggins stated that a link has been posted on the website. Mr. Biggins stated that link
directs over to the Division of Administrative Hearings’ website, which tracks all final
orders. Mr. Biggins also stated that information has been provided in the agenda.

XII. TOPICS FOR NEXT MEETING

1. Updated Rules
2. Continuing Review of the Unlicensed Practice of Law
3. Public Information Brochure

Ms. Rogers also requested an opportunity to comment on proposed legislation by the
Department. Mr. Biggins stated that the process for the 2014 Legislative Session has
already been submitted, but that information could be provided at the next meeting. Ms.
Rogers also stated that the Council has voted many times to include in the Department’s
legislative package a proposal to change the Regulatory Council of Community
Association Managers into a full board. Mr. Vaccaro thanked Ms. Rogers. Ms. Moran
also requested that the financial status of the Council be added to the November agenda,
as well as the management license renewals for 2014.

Mr. Brennan asked that additional details be provided on the Prosecuting Attorney’s
Report, and that the report be more thorough and provide a list of all the cases in process.
Ms. White stated that the report shows all the cases that are in public status, and that the
only cases which are not listed are private. Ms. White stated she’s unsure of what
additional information can be included, but she will get with staff to see what more can
be included.

XIII. Adjournment

Motion: Terrence Brennan made a motion to adjourn the meeting.
Second: Kelly Moran seconds the motion. Motion passes unanimously.

Meeting adjourned at 10:37 a.m.